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REDACTED COPY

April 2, 2012

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## VIA HAND DELIVERY

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Room TW-B204  
Washington, DC 20554

With a copy to:

Karen Majcher  
Vice President, High Cost & Low Income Division  
Universal Service Administrative Company  
2000 L Street, N.W., Suite 200  
Washington, DC 20036

ORIGINAL

FILED/ACCEPTED

APR - 2 2012

Federal Communications Commission  
Office of the Secretary

Re: Federal-State Joint Board on Universal Service  
WC Docket No. 09-197 & WC Docket No. 10-90

Dear Secretary Dortch:

On behalf of St. Lawrence Seaway RSA Cellular Partnership (SAC 159014 for New York) ("St. Lawrence Seaway"), please find attached a redacted, public version of St. Lawrence Seaway's Annual ETC Report under Section 54.209 of the FCC's Rules ("ETC Report"). The attached ETC Report has been marked "**REDACTED – FOR PUBLIC INSPECTION.**"

St. Lawrence Seaway is also submitting, under separate cover, a confidential version of this ETC Report. The confidential version is marked "**CONFIDENTIAL – NOT FOR PUBLIC INSPECTION.**"

An original and four (4) copies of this ETC Report are enclosed. An additional copy has been provided, which you are requested to date-stamp and return in the envelope provided.

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Marlene H. Dortch  
Karen Majcher  
April 2, 2012  
Page 2

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Please contact the undersigned at 703-584-8678 if any questions arise concerning the above-referenced enclosures or if you require any additional information.

Sincerely,



David A. LaFuria  
Steven M. Chernoff

Attorneys for:  
*St. Lawrence Seaway RSA Cellular Partnership*

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20054

FILED/ACCEPTED

In the Matter of

)

APR - 2 2012

Telecommunications Carriers Eligible  
for Universal Service Support

)

WC Docket No. 09-197

Federal Communications Commission  
Office of the Secretary

)

Connect America Fund

)

WC Docket No. 10-90

**ST. LAWRENCE SEAWAY RSA CELLULAR PARTNERSHIP  
ANNUAL REPORT**

St. Lawrence Seaway RSA Cellular Partnership (“St. Lawrence Seaway” or the “Company”), a wireless service provider designated as an Eligible Telecommunications Company (“ETC”) in the State of New York,<sup>1</sup> hereby provides the Commission with its annual report containing information as set forth in Section 54.313 of the Commission’s Rules<sup>2</sup> and in the Commission’s Report and Order in the above-captioned proceeding.<sup>3</sup>

**I. REPORTING ITEMS**

**A. Five-Year Service Quality Improvement Plan.**

Pursuant to Section 54.313(a)(1) of the Commission’s Rules, an ETC must provide:

<sup>1</sup> St. Lawrence Seaway was first designated as an ETC in New York on August 1, 2008. *Federal-State Joint Board on Universal Service, Report & Order*, 20 FCC Rcd 6371 (2005) (“*ETC Report and Order*”).

<sup>2</sup> 47 C.F.R. § 54.313. The Wireline Competition Bureau and the Wireless Telecommunications Bureau have clarified “that ETCs that have been designated by the Commission are still required to file . . . information [specified in 47 C.F.R. § 54.313(a)(2)-(6)] with respect to their provision of voice service during 2011.” *Connect America Fund, et al.*, WC Docket No. 10-90, *et al.*, Order, DA 12-147 (WCB, WTB, rel. Feb. 3, 2012), 77 Fed. Reg. 14297 (Mar. 9, 2012) (“*February 3 Order*”), at para. 9.

<sup>3</sup> *Connect America Fund, et al.*, WC Docket No. 10-90, *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 2011 WL 5844975 (rel. Nov. 18, 2011), 76 Fed. Reg. 73830 (Nov. 29, 2011), 76 Fed. Reg. 78384 (Dec. 16, 2011), 76 Fed. Reg. 81562 (Dec. 28, 2011) (“*CAF Order*”), *recon.*, FCC 11-189 (rel. Dec. 23, 2011), *further recon. pending, petitions for review pending, Direct Commc’ns Cedar Valley v. FCC*, No. 11-9581 (10th Cir. filed Dec. 18, 2011) (and consolidated cases).



A progress reports on five-year service quality improvement plan, pursuant to §54.202(a), including maps detailing its progress towards meeting its plan targets, an explanation of how much universal service support was received and how support was used to improve service quality, coverage, or capacity; and an explanation regarding any network improvement targets that have not been fulfilled in the prior calendar year.<sup>4</sup>

Attached hereto as Exhibit A is an updated service quality improvement plan covering 2012-2013.<sup>5</sup> For the period from January 1, 2011, through December 31, 2011, the Company received a total of \$1,466,942 in Universal Service Support in the State of New York. During the same period, St. Lawrence Seaway invested [begin confidential information] [REDACTED] [end confidential information] in capital improvements and other eligible improvements to infrastructure and services. Specifically, St. Lawrence Seaway has improved coverage, performance and reliability in its ETC service area by adding [begin confidential information] [REDACTED] [end confidential information] cell towers that benefitted the following wire centers:

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<sup>4</sup> 47 C.F.R. § 54.313(a)(1). See *CAF Order* at para. 580 (footnote omitted) (emphasis added) (concluding that “all ETCs must include in their annual reports the information that is currently required by section 54.209(a)(1)-(a)(6)—specifically, a progress report on their five-year build-out plans; data and explanatory text concerning outages; unfulfilled requests for service; complaints received; and certifications of compliance with applicable service quality and consumer protection standards and of the ability to function in emergency situations”).

<sup>5</sup> The information contained in Exhibit A is proprietary and competitively sensitive. St. Lawrence Seaway therefore is submitting the entirety of Exhibit A under seal and subject to St. Lawrence Seaway’s request for confidential treatment. Exhibit A includes a progress report covering only two years in light of the fact that the Commission has indicated that:

Recognizing that existing five-year build out plans may need to change to account for new broadband obligations set forth in this Order, we require all ETCs to file a new five-year build-out plan in a manner consistent with 54.202(a)(1)(ii) [of the Commission’s Rules] by April 1, 2013. Under the terms of new section 54.313(a) [of the Commission’s Rules], all ETCs will be required to include in their annual 54.313 reports information regarding their progress on this five-year broadband build-out plan beginning April 1, 2014.

*CAF Order* at para. 587. See *February 3 Order* at para. 6. In light of this requirement to submit a new five-year build-out plan as part of its April 2013 annual report, St. Lawrence Seaway has concluded that the progress report in the attached Exhibit A regarding its current service quality improvement plan should include projections only through 2013.

[begin confidential information], [REDACTED] [end confidential information]. It also is in the process of completing additional cell towers that would further improve service in the [begin confidential information] [REDACTED] [end confidential information] wire center. These new cell sites have significantly improved capacity, coverage and signal quality in various portions of St. Lawrence Seaway's ETC service area. St. Lawrence Seaway provides as Exhibit B a map showing its existing cell site locations and coverage as of the second quarter of 2012, and the locations of new cell sites planned for 2012 and 2013.<sup>6</sup>

St. Lawrence Seaway expects to receive \$1,319,350 in 2012 and \$1,026,161 in 2013 under the freeze and phase-down adopted in the *CAF Order*. In its updated service quality improvement plan, St. Lawrence Seaway proposes to make approximately [begin confidential information] [REDACTED] [end confidential information] in investments in capital improvements and cell site acquisition costs with an additional projected [begin confidential information] [REDACTED] [end confidential information] in operating, repair and maintenance expenses in 2012. In 2013, St. Lawrence Seaway proposes to make approximately [begin confidential information] [REDACTED] [end confidential information] in investments in capital improvements and cell acquisition costs with an additional projected [begin confidential information] [REDACTED] [end confidential information] in operating, repair and maintenance expenses. While St. Lawrence Seaway believes that every wire center in its ETC service area may benefit from service quality improvements made with high cost support, it will not have sufficient support to undertake all desired improvements in every wire center, due to the limited support available in the areas it serves.

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<sup>6</sup> The information in Exhibit B is proprietary and competitively sensitive; therefore, it is being submitted under seal and is subject to St. Lawrence Seaway's request for confidential treatment.



The selection of projects set forth in Exhibit A is based on St. Lawrence Seaway's evaluation of many factors, including current consumer demand and competitive forces. These and other external factors are not within the St. Lawrence Seaway's control and are subject to change. Such changes may affect St. Lawrence Seaway's assumptions and calculations regarding the optimal improvements to network facilities required to provide better coverage and service. In addition, current and projected consumer demand may require increased capacity. St. Lawrence Seaway will reevaluate and modify its estimates for implementing these projects accordingly, as these externally-driven changes occur. The order in which St. Lawrence Seaway's proposed projects will be undertaken has not been finally determined and may be revised over time. As a result, the content and timing of the projects in Exhibit A are subject to change. Nonetheless, the service quality improvement plan described in Exhibit A demonstrates St. Lawrence Seaway's commitment to use federal high-cost support to make measurable improvements in coverage and capacity for consumers throughout its ETC service area and to update the Commission on its progress every year prior to being recertified.

**B. Outage Reporting.**

Under the annual reporting rules adopted in the *CAF Order*, an ETC must report any outages of at least 30 minutes in duration on the facilities it owns, operates, leases, or otherwise utilizes that potentially affect at least ten percent of the end users served in its designated service area or affect a 911 special facility.<sup>7</sup> St. Lawrence Seaway has attached an Outage Report as

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<sup>7</sup> See 47 C.F.R. § 54.313(a)(2). With regard to 911 special facilities, Section 4.5(e) of the Commission's Rules provides as follows:

An outage that potentially affects a 911 special facility occurs whenever:

- (1) There is a loss of communications to PSAP(s) potentially affecting at least 900,000 user-minutes and: The failure is neither at the PSAP(s) nor on the premises of

Exhibit C that includes all reportable outages taking place between January 1, 2011 through December 31, 2011, and the estimated number of customers affected.<sup>8</sup>

**C. Service Requests.**

For the period from January 1, 2011 through December 31, 2011 there were [begin confidential information] [redacted] [end confidential information] unfulfilled requested for service from customers within St. Lawrence Seaway's designated ETC service area.<sup>9</sup> St. Lawrence Seaway has attached an Unfulfilled Requests for Service Report as Exhibit D that includes all reportable unfulfilled requests for service taking place between January 1, 2011 and December 31, 2011 from customers within the designated area.<sup>10</sup> St. Lawrence Seaway hereby certifies that it continues to follow a six-step process for provisioning service to requesting customers.<sup>11</sup>

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the PSAP(s); no reroute for all end users was available; and the outage lasts 30 minutes or more; or

(2) There is a loss of 911 call processing capabilities in one or more E-911 tandems/selective routers for at least 30 minutes duration; or

(3) One or more end-office or MSC switches or host/remote clusters is isolated from 911 service for at least 30 minutes and potentially affects at least 900,000 user-minutes; or

(4) There is a loss of ANI/ALI (associated name and location information) and/or a failure of location determination equipment, including Phase II equipment, for at least 30 minutes and potentially affecting at least 900,000 user-minutes (provided that the ANI/ALI or location determination equipment was then currently deployed and in use, and the failure is neither at the PSAP(s) or on the premises of the PSAP(s)). 47 C.F.R. 4.5(e).

<sup>8</sup> This information in Exhibit C is proprietary and competitively sensitive; therefore, it is being submitted under seal and is subject to St. Lawrence Seaway's request for confidential treatment.

<sup>9</sup> See 47 C.F.R. § 54.313(a)(3).

<sup>10</sup> The information in Exhibit D is proprietary and competitively sensitive; therefore, it is being submitted under seal and is subject to St. Lawrence Seaway's request for confidential treatment.

<sup>11</sup> This six-step process was formerly prescribed in Section 54.202(a)(1) of the Commission's Rules, but these provisions of Section 54.202 have been repealed by the Commission. See *CAF Order*, App. A (revising Section 54.202). Section 54.313(a)(3) of the Commission's Rules now requires that an ETC must "detail how it attempted to provide service to those potential customers" whose requests for service were unfulfilled in the prior calendar year. St. Lawrence Seaway followed the six-step process during

Specifically, in response to requests for service at a residence or business, St. Lawrence Seaway takes the following steps:

1. If a request comes from a customer within its existing network, St. Lawrence Seaway provides service immediately using its standard customer equipment.

2. If a request comes from a customer residing in any area where St. Lawrence Seaway does not provide service, St. Lawrence Seaway follows a series of steps to provide service:

- \* First, it determines whether the customer's equipment can be modified or replaced to provide acceptable service.

- \* Second, it determines whether a roof-mounted antenna or other network equipment can be deployed at the premises to provide service.

- \* Third, it determines whether adjustments at the nearest cell site can be made to provide service.

- \* Fourth, it determines whether there are any other adjustments to network or customer facilities which can be made to provide service.

- \* Fifth, it explores the possibility of offering the resold service of carriers that have facilities available to that location.

- \* Sixth, St. Lawrence Seaway determines whether an additional cell site, a cell-extender, or repeater can be employed or can be constructed to provide service, and evaluates the costs and benefits of using scarce high-cost support to serve the number of customers requesting service.

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calendar year 2011, and will continue to utilize the six-step process as a means of complying with the requirement established in Section 54.313(a)(3).



If there is no possibility of providing service short of these measures, St. Lawrence Seaway notifies the Commission of how many requests for service could not be filled in its next annual report filed pursuant to Section 54.313 of the Commission's Rules.

**D. Consumer Complaints.**

For the period from January 1, 2011, through December 31, 2011, the ratio of consumer complaints filed with either the Commission or the New York Utilities Commission regarding St. Lawrence Seaway's service in the designated ETC service area was [begin confidential information] [REDACTED] [end confidential information] complaints per 1,000 handsets.<sup>12</sup>

**E. Commitment to Abide by CTIA's Consumer Code for Wireless Service.**

The Commission indicated in the *CAF Order* that ETCs must certify compliance with applicable service quality and consumer protection standards,<sup>13</sup> and also specifically noted that, if an ETC is complying with "the voluntary code of conduct concerning 'bill shock'" or the CTIA-The Wireless Association® ("CTIA") Consumer Code for Wireless Service ("CTIA Code" or "Code"), it should so indicate in its annual report.<sup>14</sup> In submitting this report, St. Lawrence Seaway certifies that it will continue to abide by the CTIA Code for all of its operations in New York.

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<sup>12</sup> See 47 C.F.R. § 54.313(a)(4).

<sup>13</sup> *CAF Order* at para. 580.

<sup>14</sup> *Id.* at para. 580 n.956. Under the CTIA Code, wireless carriers agree to: (1) disclose rates and terms of service to customers; (2) make available maps showing where service is generally available; (3) provide contract terms to customers and confirm changes in service; (4) allow a trial period for new service; (5) provide specific disclosures in advertising; (6) separately identify carrier charges from taxes on billing statements; (7) provide customers the right to terminate service for changes to contract terms; (8) provide ready access to customer service; (9) promptly respond to consumer inquiries and complaints received from government agencies; (10) abide by policies for protection of consumer privacy; and (11) provide consumers with free notifications for voice, data and messaging usage, and international roaming. The CTIA Code can be viewed on the CTIA website at [http://www.ctia.org/consumer\\_info/service/index.cfm/AID/10352](http://www.ctia.org/consumer_info/service/index.cfm/AID/10352) (accessed Mar. 13, 2012). The eleventh point to the CTIA Code was added in October 2011.

St. Lawrence Seaway notes that, with respect to the recently added eleventh point of the CTIA Code relating to “bill shock,” CTIA has indicated the following:

Each wireless provider will provide, at no charge: (a) a notification to consumers of currently-offered and future domestic wireless plans that include limited data allowances when consumers approach and exceed their allowance for data usage and will incur overage charges; (b) a notification to consumers of currently-offered and future domestic voice and messaging plans that include limited voice and messaging allowances when consumers approach and exceed their allowance for those services and will incur overage charges; and (c) a notification to consumers without an international roaming plan/package whose devices have registered abroad and who may incur charges for international usage. Wireless providers will generate the notifications described above to postpaid consumers based on information available at the time the notification is sent. Wireless consumers will not have to affirmatively sign up in order for these notifications to be sent. Each wireless provider shall provide its customers at least two of these alerts by October 17, 2012 and all of these alerts by April 17, 2013. Wireless providers will clearly and conspicuously disclose tools or services that enable consumers to track, monitor and/or set limits on voice, messaging and data usage.<sup>15</sup>

St. Lawrence Seaway hereby certifies that it intends to comply with the provisions of the eleventh point of the CTIA Code pursuant to the implementation schedule established in the Code.

**F. Ability to Remain Functional in Emergencies.**

Section 54.202(a)(2) of the Commission’s Rules requires that each ETC must:

[d]emonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations .<sup>16</sup>

St. Lawrence Seaway is mindful of the importance of ensuring uninterrupted service so that law enforcement and public safety officials, as well as the general public, can make

<sup>15</sup> CTIA Code, [http://www.ctia.org/consumer\\_info/service/index.cfm/AID/10352](http://www.ctia.org/consumer_info/service/index.cfm/AID/10352) (accessed Mar. 13, 2012).

<sup>16</sup> 47 C.F.R. § 54.202(a). *See CAF Order* at para. 580.

important calls in the event of a hurricane or other emergency. St. Lawrence Seaway hereby certifies that the company continues to maintain the capability of functioning in emergency situations as specified in the CAF Order and the Commission's Rules.

## **II. CONCLUSION**

St. Lawrence Seaway trusts that you will find this to be responsive to the compliance materials requested in the *CAF Order* and the Commission's Rules.

Respectfully submitted,



David A. LaFuria  
Steven M. Chernoff  
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8300 Greensboro Dr., Suite 1200  
McLean, VA 22102  
(703) 584-8678

Attorneys for:  
*St. Lawrence Seaway RSA Cellular Partnership*

Dated: April 2, 2012



**REDACTED – FOR PUBLIC INSPECTION**

**Exhibit A**

**Updated Service Quality Improvement Plan**

St. Lawrence Seaway - 2011

Year 1 – 1/1/2011-12/31/2011						
Location and Description of Service Improvement	Purpose of Improvement	Population Served (est.)	Budget (est.)	Actual 2011 Spend	Project Status	Wire Center Benefited
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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St. Lawrence Seaway – 2012/2013 Projected Service Improvement Plan

1/1/2012-12/31/2012						
Location and Description of Service Improvement	Purpose of Improvement	Population Served (est.)	Budget (est.)	Projected Start	Projected Completion	Wire Center Benefited
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
1/1/2013-12/31/2013						
Location and Description of Service Improvement	Purpose of Improvement	Population Served (est.)	Budget (est.)	Projected Start	Projected Completion	Wire Center Benefited
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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**REDACTED – FOR PUBLIC INSPECTION**

**Exhibit B**

**Coverage Map and Locations of Proposed New Cell Sites**

# Verizon Wireless UPNY Region

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- ★ 2012 (4)
- ★ 2013 (2)
- Primary Road
- Primary Road
- Adirondack Park Boundry
- RSA Boundry
- County Boundry
- Wire Center Boundry
- CDMA Coverage at 133 RL OPL  
as 2/22/2012

Disclaimer: This map is no  
The coverage



**REDACTED – FOR PUBLIC INSPECTION**

**Exhibit C**

**Network Outage**

**Network Outages**  
St. Lawrence Seaway RSA Cellular Partnership  
SAC 159014

REDACTED EXHIBIT C

Outage Description	Start Date	Start Time	End Date	End Time	Duration	# of Customers Affected	Site Id	Site Name	Address	City
[REDACTED]										

REDACTED

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**REDACTED – FOR PUBLIC INSPECTION**

**Exhibit D**

**Unfulfilled Service Requests**

REDACTED - FOR PUBLIC INSPECTION

**ST. LAWRENCE SEAWAY RSA CELLULAR PARTNERSHIP  
2011 Unfulfilled Request for Service**

[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	

[REDACTED]

[REDACTED]

[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	

[REDACTED]

[REDACTED]	
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REDACTED - FOR PUBLIC INSPECTION

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**DECLARATION UNDER PENALTY OF PERJURY**

I, Mark A. Krohse, do hereby declare under penalty of perjury as follows:

1. I am the Assistant Secretary of General Partner of St. Lawrence Seaway RSA Cellular Partnership.

2. This Affidavit is submitted in support of St. Lawrence Seaway RSA Cellular Partnership's Annual Compliance Filing and Request for Recertification, pursuant to Section 54.313 of the Commission's Rules and the Commission's *Report and Order and Further Notice of Proposed Rulemaking* in WC Docket No. 10-90, *et al.*, FCC 11-161 (Nov. 29, 2011).

3. I declare under penalty of perjury that the statements contained in the foregoing Annual Compliance Filing are true and correct to the best of my knowledge, information and belief.

Executed on March 27, 2012



Mark A. Krohse  
Assistant Secretary of General Partner  
St. Lawrence Seaway RSA Cellular Partnership

**SUBSCRIBED, SWORN TO AND ACKNOWLEDGED** before me this 27<sup>TH</sup> day of March, 2012.



  
NOTARY PUBLIC

**My Commission Expires:** \_\_\_\_\_